HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.13929 OF 2006

Between:
M. Jogi Reddy

..... Petitioner

AND

The Election Commission,
Rep. by its Commissioner, Secunderabad,
& others.

.....Respondents

:: O R D E R::

Counsel for the Petitioner : Shri M. Venkata Narayana

Counsel for Respondent No. 1 : Shri V.V. Prabhakar Rao

Counsel for Respondent Nos.2 to 4: Government Pleader for Revenue

Dated: 27.07.2006

Per G.S.Singhvi, CJ

On 25.07.2006, a batch of 58 cases including this petition was listed before the Court. At the commencement of hearing, Shri V.V.Prabhakar Rao, Advocate representing the State Election Commission made a statement that a common prayer has been made by the petitioners in all the cases for issue of a direction to the respondents to decide their applications for inclusion of name in the voters' list and that the authorities concerned will deal with and decide such applications within a period of 48 hours and communicate the orders to the applicants-petitioners.

In view of the statement of Shri V.V.Prabhakar Rao, all the petitions were disposed of by a common order, which was dictated in the open court.

In the evening, the Court Master informed us that out of batch of 58 petitions, 13 petitions contain different prayers. He pointed out that in some of the petitions prayer for inclusion in and exclusion from the voters' list has been made and in some cases prayer has been made for issue of direction to the authority concerned to accept nomination paper. In one case, prayer is to quash the reservation of the office of Sarpanch.

In view of the submissions made by the Court Master, we directed that those 13 petitions shall not be included in the order passed in the open Court on 25.07.2006 and the same be listed on 27.07.2006 under the caption 'for being mentioned'. This is the reason why this petition has been listed today under that caption.

In this petition, the petitioner has prayed for deleting names

of 68 persons from the electoral roll of Kasanuru Village and restrain them from participating in the election for Kasanuru Gram Panchayat, Simhadripuram Mandal, Kadapa District.

We have heard learned counsel for the parties and perused the record. In our opinion, the writ petition is liable to be dismissed on the short ground that none of the persons whose names are sought to be deleted from the electoral roll has been impleaded as party to the writ petition and without issuing notice and giving opportunity of hearing to such persons, no order prejudicially affecting their right to participate in the process of election can be passed.

With the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.Nos. 17347 and 17348 of 2006 filed by the petitioner are also dismissed.

G.S.SINGHVI, CJ

G.V.SEETHAPATHY, J

27.07.2006
ksld/svs